IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7006 of 2004

Between:

Smt. Miryala Shoba, W/o M. Ananta Ramulu,
R/o H.No. 18-2-68/34/B, Budga Jangam Colony, Jangammet, Falknuma, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Police,Hyderabad City, Basheerbagh, Hyderabad.
2 The Station House Officer, Chatrinaka Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.2 in not contemplating action on the complaint dt. 29-3-2004 and oral complaint dt. 2-4-2004 made by the petitioner, basing reliance on the MLC report issued by the Osmania General Hospital as being discriminatory, arbitrary, violative of right to freedom and violative of right to life as enshrined in Article 14, 15, 19 and 21 of the Constitution of India and consequently bring the culprits and their henchmen to book as per Law while taking steps to protect the person and property of the petitioner,

Counsel for the Petitioner:MR.M.VASANT KUMAR ANJAN

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus declaring the alleged inaction on the part of the second respondent, Station House Officer, Chatrinaka Police Station, Hyderabad in taking action on the complaint dated 29.03.2004 and oral complaint dated 02.04.2004 made by the petitioner, as arbitrary and illegal.

In the affidavit filed in support of the writ petition it is stated that on 29.03.2004 some known persons of the locality by name; Vanrasi Padmakar, Nidanakavi Yellaiah and Nidanakavi Srinu and their relatives attacked the petitioner and her husband and threatened them to vacate the hut and when they resisted, the hut was partly damaged. It is stated that the petitioner lodged a complaint with the second respondent, however, he refused to receive the same. It is further alleged that the culprits attacked the petitioner and her husband again and they were severely beaten. They approached the second respondent, who referred them to Osmania General Hospital and took the MLC report, but the culprits were not arrested. In the circumstances, alleging inaction on the part of the respondents, this writ petition is filed.

A counter affidavit has been filed on behalf of the respondents sworn to by the Inspector of Police, Chatrinaka Police Station. In the said counter affidavit it is stated that the contention of the petitioner that she approached the Station House Officer, Chatrinaka on 29.3.2004 and lodged a written complaint against one Vanrasi Padmakar and others and the police refused to receive the same is incorrect. It is further stated that for the first time the husband of the petitioner approached the Station House Officer, Chatrinaka Police Station on 02.4.2004 and made an oral

complaint against one Padmakar and another by name; N. Yellaiah stating that they beat him and used filthy language. Accordingly after making an entry in the General Diary of police station, he was immediately sent to the Osmania General Hospital through Home Guard-6637 for medical examination and treatment. Thereafter, on return of the petitioner's husband along with Home Guard-6637 to the police station from the Hospital, wherein the petitioner's husband was treated as out-patient vide MLC No. 9319, Petty Case Nos. 147 and 148 of 2004 under Section 70(b) of City Police Act and Section 323 of IPC were booked against the accused on the same day i.e. 2.4.2004. In the said cases, the accused were convicted to pay a fine of Rs.150/- each vide STC Nos. 75 and 76 of 2004 dated 8.4.2004 by the IX Special Mobile Court, Hyderabad.

In the light of the averments in the counter affidavit, it is clear that the respondents have taken the necessary further steps on the basis of the complaint made by the husband of the petitioner. In the circumstances, the relief as prayed for cannot be granted.

Accordingly, recording the statement of the second respondent made in the counter affidavit that the necessary action has already been taken on the basis of the complaint of the petitioner's husband, the writ petition is closed. No order as to costs.

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G. ROHINI, J.

04th August 2004

Tsr.

To

1 The Commissioner of Police,Hyderabad City, Basheerbagh, Hyderabad.
2 The Station House Officer, Chatrinaka Police Station, Hyderabad.

3 Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.